

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: REMBRANDT TECHNOLOGIES, LP
PATENT LITIGATION

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) MDL Docket No. 07-md-1848(GMS)

ORDER

WHEREAS, the court has considered the submissions and arguments of the parties with respect to Rembrandt Technologies, LP's and Rembrandt Technologies, LLC's (collectively, "Rembrandt") Motion to Dismiss (A) Its Claims Against All Parties For Infringement Of Certain Patents In Suit, and (B) All Other Parties' Defenses, Claims and Counterclaims For Lack Of Jurisdiction And As Moot (D.I. 843) in the above matters;

WHEREAS, the court agrees with All Other Parties that Rembrandt has made DOCSIS-compliant products and services and the DOCSIS standard integral to this litigation;

WHEREAS, as a result, the court finds that All Other Parties will be prejudiced by dismissal unless DOCSIS-compliant products and services are included in Rembrandt's Covenant Not to Sue; and

WHEREAS, the court further finds that including DOCSIS-compliant products and services as part of Rembrandt's Covenant Not to Sue is a proper modification of the covenant, pursuant to Federal Rule of Civil Procedure 41(a)(2);

NOW, THEREFORE, IT IS ORDERED THAT, as a condition of the dismissal requested by Rembrandt, that Rembrandt's Covenant Not to Sue is supplemented to include any products or

services that operate in accordance with DOCSIS 1.0, 1.1, 2.0 and/or 3.0 as provided in the Supplemental Covenant Not To Sue proposed by All Other Parties and attached to this Order as Exhibit 1;

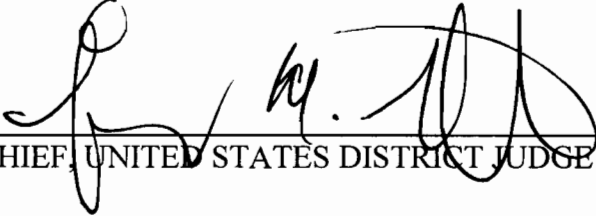
IT IS FURTHER ORDERED that, in light of the attached Supplemental Covenant Not To Sue including the above-referenced DOCSIS condition, the court dismisses WITH PREJUDICE all of Rembrandt's claims of infringement of United States Patent Nos. 5,852,631; 5,719,858; 4,937,819; 5,008,903; 5,778,234; 6,131,159; 6,950,444; and 5,710,761 in any of Rembrandt's pending lawsuits including any one or more of those patents;

IT IS FURTHER ORDERED that, in light of the attached Supplemental Covenant Not To Sue including the above-referenced DOCSIS condition, the court dismisses WITHOUT PREJUDICE All Other Parties' defenses, claims, and counterclaims concerning United States Patent Nos. 5,852,631; 5,719,858; 4,937,819; 5,008,903; 5,778,234; 6,131,159; 6,950,444; and 5,710,761, as well as All Other Parties' antitrust, unfair competition, and contract claims or counterclaims that relate to DOCSIS or the Eight Patents (but not the claims or counterclaims by the cable systems operators that pertain to the '627 patent or ATSC standard). This Order does not preclude All Other Parties from asking the court to award them their attorney's fees, expenses or costs including expert fees and costs.

The court gives Rembrandt not later than five (5) days following entry of this Order to file a written notice of withdrawal of its Motion to Dismiss in the event it finds unacceptable the conditions of the court's granting Rembrandt's Motion to Dismiss. If Rembrandt does not file such a written notice of withdrawal of its Motion to Dismiss within that five day period, then this Order of dismissal including the above-referenced conditions and attached Supplemental Covenant Not To Sue will take effect, and further, Rembrandt is ordered to execute the attached Supplemental

Covenant Not To Sue and deliver a copy to co-liaison counsel for All Other Parties upon the expiration of such fifth day.

SO ORDERED this 23rd day of October, 2009.


CHIEF, UNITED STATES DISTRICT JUDGE